

## **CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND**

**Ordinance No.:** O-15-08  
**Introduced by:** City Council  
**Date Introduced:** May 11, 2015  
**First Reading:** May 11, 2015  
**Second Reading:** June 1, 2015  
**Date Adopted:** June 1, 2015  
**Date Effective:** June 29, 2015

**AN ORDINANCE concerning**

### **CHAPTER 101 – Health and Sanitation**

**FOR** the purpose of amending Chapter 101 – Health and Sanitation of the Code of the City of Seat Pleasant for the purposes of regulating the hanging of laundry, the outdoor cooking of food, and outdoor recreational activities in the City of Seat Pleasant and amending the provisions relating to the violation of Chapter 101 and the penalties therefore; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to health and sanitation in the City of Seat Pleasant.

**BY** amending Chapter 101 – Health and Sanitation  
Sections 101-5 and 101-6  
Code of the City of Seat Pleasant (1994 Edition, as amended)

**WHEREAS**, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

**WHEREAS**, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

**WHEREAS**, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

**WHEREAS**, it has come to the City Council's attention that certain City residents hang laundry on fences to dry, which tends to be visually and aesthetically unappealing to other City residents and visitors and, as such, is deemed to be a nuisance; and

**WHEREAS**, it has also come to the City Council's attention that certain City residents use grills and similar devices for cooking food in the front yard area of their property, which tends to attract large groups of people and, as such, is deemed to be a nuisance as well as a safety hazard; and

**WHEREAS**, it has also come to the City Council's attention that certain City residents use the driveway or other paved area in their front yard area for recreational purposes, such as playing basketball, which activities tend to carry over into the road, street, or public way abutting the property and, as such, is deemed to be a nuisance as well as a safety hazard; and

**WHEREAS**, the City Council is desirous of amending Chapter 101 of the City Code to regulate the foregoing activities so as to prevent them from becoming nuisances and/or safety hazards; and

**WHEREAS**, the City Council deems it in the best interest of the public health, welfare, and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

**SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that Chapter 101 (Health and Sanitation), § 101-5, be and it is hereby amended as follows:

**§ 101-5. Hazards and nuisances.**

No person shall use or maintain any property in the city so as to create or maintain:

- A. A health hazard by accumulating perishable materials or providing inadequate or inoperative waste removal systems.
- B. A health hazard by accrual of stagnant water or not providing for proper runoff before water becomes stagnant.
- C. A fire hazard by the accumulation of combustible materials.
- D. A public nuisance by the obstruction of free passage on public ways. Such obstructions include but are not limited to weeds, grass, bushes, other plants and trees.
- E. A PUBLIC NUISANCE BY PLACING LAUNDRY ON ANY FENCE SO AS TO BE VISIBLE FROM ANY STREET, ROAD, OR OTHER PUBLIC WAY ABUTTING THE FRONT OR SIDE LINE OF THE PROPERTY.

- F. A PUBLIC NUISANCE BY THE OPERATION OF ANY KIND OF GRILL OR SIMILAR DEVICE USED FOR THE COOKING OF FOOD OUTDOORS ANYWHERE ON THE PROPERTY OTHER THAN IN THE BACK YARD OR REAR AREA OF THE PROPERTY.
- G. A PUBLIC NUISANCE AND A HEALTH HAZARD BY PERMITTING ANY RECREATIONAL ACTIVITY TO CARRY OVER FROM THE PROPERTY INTO ANY OTHER PROPERTY, OR ANY STREET, ROAD, OR OTHER PUBLIC WAY.
- H. A PUBLIC NUISANCE AND A HEALTH HAZARD BY PLACING TRASH RECEPTACLES IN THE FRONT OF THE PROPERTY WITH THE EXCEPTION OF COLLECTION DAYS.

**SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that Chapter 101 (Health and Sanitation), § 101-6, be and it is hereby amended as follows:

**§ 101-6. Violations and penalties.**

((Any person who shall violate any section or any provision of any section of this chapter or fail to comply with its requirements shall, upon conviction, be subject to a maximum fine of \$1,000 and/or maximum imprisonment of six months.))

A PERSON WHO VIOLATES THIS CHAPTER SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND, UPON CONVICTION OR GUILTY PLEA, SHALL BE SUBJECT TO THE FOLLOWING FINE:

- A. FOR THE FIRST OFFENSE, A FINE OF \$50.00; OR
- B. FOR A SUBSEQUENT OFFENSE, A FINE OF \$100.00.

**SECTION 3. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that Chapter 101 (Health and Sanitation), § 101-7, be and it is hereby repealed in its entirety.

**SECTION 4. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

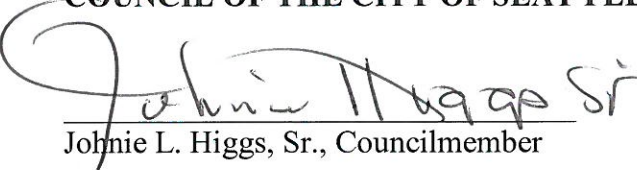
**SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**SECTION 7. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

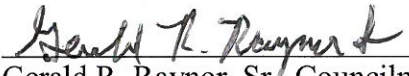
**SECTION 8. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT** that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

**COUNCIL OF THE CITY OF SEAT PLEASANT**

  
Johnie L. Higgs, Sr., Councilmember

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Eugene F. Kennedy, Councilmember

\_\_\_\_\_  
Kelly Porter, Councilmember

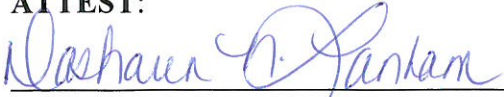
  
Gerald R. Raynor, Sr., Councilmember

  
Elenora Simms, Councilmember


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Aretha A. Stephenson, Councilmember

\_\_\_\_\_  
Reveral L. Yeargin, Councilmember

**ATTEST:**

  
Dashaun N. Lanham, CMC  
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 2nd day of June, 2015



Dashaun N. Lanham, CMC  
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)**  
**(DISAPPROVE)** of this Ordinance this \_\_\_\_\_, 2015.

\_\_\_\_\_  
Eugene W. Grant, Mayor

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or  
deleted from the law by amendment.